



Our Mission: To work together to responsibly grow our community, and to provide quality, cost-effective, and efficient government services.

CC Regular Session

7. 1.

Meeting Date: 12/10/2019

By: Katie Schmidt, Administrative Services

Information

Title:

Adopt Ordinance #19-15 An Ordinance Amending the Charter by Repealing and Replacing Chapter 4 - Nominations and Elections

Purpose/Background:

Purpose: The purpose of this case is for the City Council to consider adoption of Ordinance #19-15 repealing and replacing the City's Charter Chapter 4 titled Nominations and Elections.

Background: A public hearing and review of the ordinance amending the City's Charter Chapter 4 was held on November 26, 2019. Five of the seven Councilmembers voted in favor, to introduce Ordinance #19-15 to formally commence the Charter amendment.

The purpose of the proposed ordinance amending the Charter would be to simplify and clarify City election procedures. Chapter 4 of the City's Charter concerning election procedure has been problematic for some time, in part because it conflicts with State election law. The Charter Commission discussed Chapter 4 at length in February and provided direction to staff in terms of amendments. In October, the Commission discussed various options for replacement language with the intent to clarify and simplify election procedures and make them conform with current state law. The proposed ordinance (attached) contains the Commission's recommended replacement language for Chapter 4. Pursuant to State law, the Charter can be modified without going to a public vote if the ordinance receives unanimous approval by the Council.

State law lays out the timeline as follows: Upon recommendation of the Charter Commission, the City Council may enact a Charter amendment by ordinance. Within one month of receiving a recommendation to amend the Charter by ordinance, the City must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The City Council must hold the public hearing on the proposed Charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the City Council must vote on the proposed Charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the City Council and published as in the case of other ordinances. An ordinance amending a City Charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance.

The timelines have been met thus far. The recommendation was made by the Charter at their October 17 meeting. A public hearing notice was published on Friday, November 8 (attached). The public hearing was held by the City Council on November 26, at which time Council introduced the ordinance. The ordinance is being presented this evening, December 10, for formal adoption. This will be done via a roll call vote. If the ordinance meets with a unanimous approval, the ordinance, in its entirety, will be published in the City's official newspaper on December 13, 2019, which will begin the 90 day effective period. With these timelines, the City's Charter will be amended effective on or about March 13, 2020.

Observations/Alternatives:

Observations: The Charter Commission reviewed Chapter 4 in its entirety and determined the amendments suggested would clarify and simplify the elections process and come into compliance with the State election law. Not having a primary will expedite the process of filing seats with a duly elected Council member, plus the provision that allows immediate appointment by the Council of an interim Council Member keeps vacancy periods at a minimum. On the other hand, a primary election serves as a method to ensure that the final candidate receives a majority of the votes cast. Without a primary, a candidate may be elected with the most votes among multiple candidates, but it may be less than a majority of votes cast. For example, among 5 candidates, a candidate could prevail with less than 50% of the votes cast.

Alternatives: The Council must unanimously vote in favor of the ordinance for this amendment to pass. If Council does not agree with the amendments, they may make suggestions and send back to the Charter Commission for further review. Previous primary elections have suffered low voter turnout, which is even lower during a special primary election. The City Council may also consider pursuing changes to state law that would change dates and waiting period, but this is generally more difficult than making charter revisions. The Council may also consider different procedures for special elections versus general elections as recommendations back to the Charter Commission.

Funding Source:

N/A

Recommendation:

Staff is recommending the Council adopt the ordinance as drafted by the Charter Commission and the City Attorney.

Action:

Motion to adopt Ordinance #19-15 An Ordinance Amending the City Charter by Repealing and Replacing Chapter 4 - Nominations and Elections.

Roll Call Vote:

Councilmember Riley
 Councilmember Kuzma
 Councilmember Musgrove
 Councilmember Heinrich
 Councilmember Menth
 Councilmember Specht
 Mayor LeTourneau

Attachments

Ordinance 19 15

Form Review

| Inbox | Reviewed By | Date |
|---------------------------------|--------------------|---------------------------------|
| Colleen Lasher | Colleen Lasher | 12/03/2019 02:15 PM |
| Jo Thieling | jthieling | 12/03/2019 03:15 PM |
| Kurt Ulrich | Kurt Ulrich | 12/05/2019 01:46 PM |
| Form Started By: Katie Schmidt | | Started On: 12/02/2019 08:27 AM |
| Final Approval Date: 12/05/2019 | | |

ORDINANCE # 19-15
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

* Did
Not
Pass

AN ORDINANCE AMENDING THE CITY CHARTER BY REPEALING AND REPLACING CHAPTER 4 – NOMINATIONS AND ELECTIONS.

The City of Ramsey ordains:

SECTION 1. PURPOSE

The purpose of this Ordinance is to simplify and clarify City election procedures by repealing and replacing outdated, inconsistent language with provisions that conform to State law.

SECTION 2. CHARTER COMMISSION RECOMMENDATION

Pursuant to Minnesota Statute section 410.12, subdivision 7, a city council may enact a charter amendment by ordinance if the charter commission recommends the amendment to the council. The Ramsey Charter Commission approved the amendments below at its meeting held on October 17, 2019.

SECTION 3. AMENDMENT

Chapter 4 – Nominations and Elections – of the Ramsey City Charter is hereby repealed in its entirety and replaced with the following:

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held each even-numbered year.

4.1.1 *Primary elections.* Primary elections shall not be held for municipal elections.

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than fourteen weeks nor less than twelve weeks before the regular

municipal election. The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

Sec. 4.3. - Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Municipal elections shall be conducted in accordance with Minnesota Election Law, as supplemented by this Charter and city ordinances.

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. The council may also, by resolution, order an advisory election be held on a question that the city council has sole authority to resolve; the results of an election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices.

Sec. 4.5. - Vacancy of municipal elected office.

4.5.1 In the event that a vacancy in an elected office of the city occurs three or more days before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year of the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year after the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.

- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.4 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.5 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, the individual appointed by the city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

SECTION 4. SUMMARY

The following official summary of Ordinance #19-15 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #19-15 repeals and replaces Chapter 4 of the Ramsey City Charter concerning election procedures. The new provisions eliminate primary elections, removes language inconsistent with state election law, incorporates Minnesota Election Law procedures, retains advisory elections, and modifies vacancy procedure.

SECTION 5. EFFECTIVE DATE

This ordinance becomes effective 90 days after passage and publication.

PASSED by unanimous vote of the City Council of the City of Ramsey on the 10th day of December, 2019.

John LeTourneau, Mayor

ATTEST:

City Clerk Jo Ann M. Thieling

Introduction date: November 26, 2019

Posting dates: November 26 – December 11, 2019

Adoption date: December 10, 2019

Publication date: December 13, 2019

Effective date: March 13, 2019

Further discussion: Councilmember Riley commented that the document is not perfect but is a helpful planning tool that continues to evolve each year.

Motion carried. Voting Yes: Mayor LeTourneau, Councilmembers Kuzma, Riley, Menth, and Specht. Voting No: Councilmember Heinrich and Musgrove.

7. COUNCIL BUSINESS

7.01: Adopt Ordinance #19-15 An Ordinance Amending the Charter by Repealing and Replacing Chapter 4 – Nominations and Elections

City Attorney Langel reviewed the staff report and recommendation to adopt the Ordinance as drafted by the Charter Commission and City Attorney.

Councilmember Specht stated that he appreciates the hard work of the Charter Commission spent on the proposed language. He stated that his concern is with the Council appointing vacancies rather than being elected by the people and therefore he would be opposed.

Councilmember Kuzma stated that he was opposed to this at the last meeting. He noted that there was additional discussion during the worksession but does not feel that there has been sufficient time for discussion by the Council and therefore will not support the action.

Councilmember Riley stated that he can make a motion to vote but the action would need to be unanimous and it is apparent that will not happen.

City Attorney Langel stated that if the consensus of the Council is that there will not be unanimous approval, no action is required, and the action will die due to the statutory time limits.

Councilmember Heinrich stated that she would be willing to make the motion which would go to roll call vote.

Motion by Councilmember Heinrich, seconded by Councilmember Riley, to waive the City Charter requirement to read the Ordinance aloud and Adopt Ordinance #19-15 Amending the City Charter by Repealing and Replacing Chapter 4 – Nominations and Elections.

Further discussion: Councilmember Musgrove stated that she will be supporting this action. She noted that she attended meetings of the Charter Commission and the thought is to become more compliant with State law and be less burdensome to taxpayers. She noted that this action could be passed with additional amendment in the future. Mayor LeTourneau agreed that the Charter Commission is doing important work, and anything done with the Charter is important. He stated that he has concern that multiple Councilmembers have concern that there has not been sufficient discussion and would support additional discussion on the topic. He noted that he would be concerned that the decision is based on cost rather than it being the right thing to do. He believed that not passing this motion would be the right decision and could allow additional discussion to ensure that the right choices are made.

A roll call vote was performed by the City Administrator: